

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERLINDO RODRIGUEZ, JR.,

Plaintiff,

2

L. RAYNA, *et al.*,

Defendants.

Case No. 1:19-cv-01788-BAM (PC)

**ORDER GRANTING PLAINTIFF'S
APPLICATION TO PROCEED *IN FORMA
PAUPERIS***

(ECF No. 6)

**ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY WEST VALLEY
DETENTION CENTER**

Plaintiff Erlindo Rodriguez, Jr. is proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On December 23, 2019, Plaintiff filed a complaint, together with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.)

On December 27, 2019, the Court denied, without prejudice, Plaintiff's application to proceed *in forma pauperis* because the application was incomplete. (ECF No. 4.) The Court granted Plaintiff forty-five (45) days to file a completed and signed application to proceed *in forma pauperis*. (Id.)

Currently before the Court is Plaintiff's second application to proceed *in forma pauperis*, filed on January 16, 2020. (ECF No. 6.) Plaintiff's application properly includes a certified copy of Plaintiff's jail trust account statement that reflects the activity in Plaintiff's trust account for the six months prior to the filing of the complaint. (*Id.* at 5.)

Since Plaintiff has made the showing required by § 1915, the application to proceed *in*

1 *forma pauperis* will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for
2 this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the
3 amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's trust
4 account. The West Valley Detention Center is required to send to the Clerk of the Court
5 payments from Plaintiff's trust account each time the amount in the account exceeds \$10.00, until
6 the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's application to proceed *in forma pauperis*, (ECF No. 6) is GRANTED;
- 9 2. **The Sheriff of the West Valley Detention Center or his/her designee shall**
10 **collect payments from Plaintiff's jail trust account in an amount equal to**
11 **twenty percent (20%) of the preceding month's income credited to the**
12 **prisoner's trust account and shall forward those payments to the Clerk of the**
13 **Court each time the amount in the account exceeds \$10.00, in accordance with**
14 **28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and**
15 **forwarded to the Clerk of the Court. The payments shall be clearly identified**
16 **by the name and number assigned to this action;**
- 17 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
18 Plaintiff's *in forma pauperis* application, (ECF No. 6), on the Sheriff of the West
19 Valley Detention Center, via mail, at 9500 Etiwanda Ave., Rancho Cucamonga,
20 CA 91739; and
- 21 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
22 Department, U.S. District Court, Eastern District of California.

23 IT IS SO ORDERED.

24 Dated: January 17, 2020

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE